



## LOBBYING ORDINANCE REVIEW

### SUMMARY OF PUBLIC COMMENTS

(Through January 12, 2006 meeting)

#### **NOVEMBER 10, 2005 MEETING:**

**Mike McDade** offered the following recommendations for the Commission's consideration:

- The Commission should review the disclosure practices of the Coastal Commission and also consider eliminating the threshold determination for registration purposes (require lobbyists who receive \$1 or more to register).
- Individuals who represent themselves without receiving compensation have the right to practice free speech and should be exempt from registration.
- Registration fees should not be raised except as needed for cost recovery to the City.
- He agreed with the staff recommendation regarding the disclosure of instances in which lobbyists serve as intermediaries for gifts.
- With regard to the proposal that lobbyists disclose fundraising activities, he suggested that this provision would have to be carefully worded so as to not conflict with individual rights.

**Michel Anderson** suggested the Commission consider the following recommendations:

- Implement a gag order for the City Council on certain matters to prevent them from communicating with lobbyists in order to remove any undue influence.
- Place the onus on public officials by requiring them to disclose the lobbyists they meet with.
- Prohibit lobbyist from contributing to election campaigns.
- Recommended a zero amount for the threshold determination.
- Lobbyist employers should be required to register.
- Registration Fees should not be raised except as needed for cost recovery.

- Public officials should not be allowed to accept any gifts from lobbyists.
- Lobbyists should not be allowed to engage in campaign fundraising, and fundraisers should be registered like lobbyists.
- There should be no exceptions to lobbying regulations. Everyone should be required to register including the community planning groups.
- He also commented that he believes the current ordinance is unclear regarding disclosure reports and the obligation to register clients when there isn't a municipal decision pending.

In response to Commissioner Westfall's questions regarding which jurisdictions currently use the gag rule and how it work, Mr. Anderson responded that the County of San Diego currently uses it for information technology requests for proposals. He explained that the gag order goes into effect once the County receives the proposals and its purpose is to prevent any political influence from affecting the process.

**Otto Emme** recommended that meetings with city officials include staff members, that registration fees be increased, and that environmental groups be required to register as lobbyists.

#### **DECEMBER 8, 2005, MEETING:**

**Simon Mayeski** of Common Cause commented regarding three points of concern. First, he recommended a \$1.00 threshold for registering. Second, he commented that raising filing fees would generate more income for the city, but could become burdensome for some. Third, he recommended strengthening the enforcement of registration requirements.

**Alberto Zevallo** of Common Cause commented regarding registration fees and suggested excluding certain groups based upon levels of lobbying activity.

**Melvin Shapiro** commented regarding the purpose of the lobbying ordinance and ex-parte communications, and recommended this be included in the proposed changes. He added that the County of San Diego's lobbying ordinance should be included for comparison purposes because it has a zero threshold, and prohibits gifts and campaign contributions from lobbyists.

**Mitch Berner** suggested a zero dollar threshold for lobbyist registration. He also suggested a same day requirement for registering that would entail registering as a lobbyist the same day that the first lobbying activity occurred.

**Dan Coffey** expressed concern regarding lowering the threshold, and questioned whether it would affect those individuals who are volunteers and act on behalf of community interests.

## **JANUARY 12, 2006, MEETING:**

**Jim Sutton** commented on behalf of the San Diego Public Affairs Working Group and made the following suggestions:

- Use a contact test to determine who should register and have the Commission adopt clear guidelines with respect to this issue.
- Have unpaid advocates register as lobbyists when they are acting on behalf of an organization when the organization is not registered.
- Require registration by a firm or organization instead of an individual.
- Contract lobbyist should only be allowed to register after obtaining signed authorization from their client.
- Individuals who lobby in connection with a contingency fee contract should be required to register.

**Eric Bruvold** spoke on behalf of the San Diego Regional Economic Development Corporation. He commented that some of the provisions of the ordinance were not clear regarding registration and recommended the Commission consider the following issues with respect to any prospective changes:

- Regulations pertaining to individuals who work for 501(c)(3) and 501(c)(6) organizations: it is unclear if they are required to register.
- Regulations pertaining to city contractors: communications with city officials are required as part of the contract process and the Commission needs to consider how the ordinance addresses this activity in relation to registration requirements.
- Employees of city agencies: employees engage in private communications with city officials with the intent of influencing municipal decisions.